

branded. The wafer meal was labeled in part: "Grove Wafer Meal Analysis Protein 12.00% * * * Ingredients Wafer Dough." The other product was invoiced as corn meal.

Analysis of a sample of the wafer meal by the Bureau of Chemistry of this department showed that it contained 10.3 per cent of protein, linseed meal, and large quantities of ground pea seed coats and flax plant waste. Analysis of a sample of the corn meal by said bureau showed that it contained corn meal, a trace of pea starch, and a large quantity of ground pea seed coats.

Adulteration of the wafer meal was alleged in the information for the reason that substances, to wit, pea seed coats, flax plant waste, and linseed meal, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for wafer meal, which the article purported to be.

Misbranding of the wafer meal was alleged for the reason that the statements, to wit, "Analysis Protein 12.00%" and "Ingredients Wafer Dough," borne on the tags attached to the sacks containing the article, were false and misleading in that the said statements represented that the article contained not less than 12 per cent of protein and consisted wholly of wafer dough, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 12 per cent of protein and consisted wholly of wafer dough, whereas, in truth and in fact, it contained less than 12 per cent of protein and consisted in part of pea seed coats, flax plant waste, and linseed meal.

Adulteration of the corn meal was alleged for the reason that a substance, to wit, ground pea seed coats, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for corn meal, which the article purported to be.

Misbranding of the corn meal was alleged for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 2, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

HOWARD M. GORE, *Secretary of Agriculture.*

12598. Misbranding of butter. U. S. v. O. J. Kennedy and John Poole (Kennedy-Poole Co.). Plea of guilty. Fine, \$50. (F. & D. No. 17791. I. S. No. 11269-v.)

On November 14, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against O. J. Kennedy and John Poole, copartners, trading as Kennedy-Poole Co., San Francisco, Calif., alleging that the said company had sold under a guarantee that the article would meet the requirements of the Federal food and drugs act a quantity of butter which was misbranded and that on or about May 8, 1923, the said article, in the identical condition as when so sold, was delivered at San Francisco, Calif., for shipment from the State of California into the Territory of Hawaii, in further violation of said act. The article was labeled in part: "One Pound Net Weight."

Examination of a sample consisting of 280 packages of the article by the Bureau of Chemistry of this department showed that the said packages contained an average of 15.8 ounces net of butter.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net Weight," borne on the cartons containing the article, was false and misleading in that the said statement represented that the cartons contained 1 pound net weight of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cartons contained 1 pound net weight of butter, whereas, in truth and in fact, they did not but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 26, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HOWARD M. GORE, *Secretary of Agriculture.*